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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/040,181	10/23/2001	Martin Weibrecht	DE 000186	8961

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EXAMINER

TRAN, TAM D

ART UNIT PAPER NUMBER

2676

DATE MAILED: 12/17/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/040,181

Applicant(s)

WEIBRECHT ET AL

Examiner

Tam D. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
- a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- ☐ Interview Summary (PTO-413) Paper No(s). _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Edgar (USPN 5469275).

2. In regard to claim 1, Edgar teaches a method of reproducing a gray scale image in colors, in which method a color value (x, y) and a brightness (Y) are assigned to each shade of gray, see col.1 lines 49-56, characterized in that the assignment between shades of gray and brightness is monotonic, see col.6 lines 60-65, and that the assigned color values are selected from the range (U) of a predetermined reference color (XR, YR), see col.5 lines 27-46, and wherein the assignment of color values enables the human eye to differentiate between successive shades of gray, (the visual read out of each of the points on the gray scale being displayed over the portion of the image, showing the gray scale values including shades of gray being visible to the user). See col.9 lines 45-50.

3. In regard to claim 2, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that the reference color (XR, YR) is white. See col.1 lines 60-67.

4. In regard to claim 3, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that different color values are assigned to each time two successive shades of gray. See col.4 lines 15-20.

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5. In regard to claim 4, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that the assignment between shades of gray and color values is bijective. See col.8 lines 10-20.

6. In regard to claim 5, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that a recurrent series of $m \leq n$ different color values $((x_1, y_1), \dots, (x_m, y_m))$ is assigned to the n shades of gray in an ascending order. See col.8 lines 10-31.

7. In regard to claim 6, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that the reproduction of the gray scale image in colors takes place on a color monitor (6), the assignment between shades of gray on the one side and color values (x, y) and brightness (Y) on the other side being adapted to the dynamic range of the monitor. See col.8 lines 62-67.

8. In regard to claim 7, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that the rule of assignment between the shades of gray and the control of the primary colors of the color monitor (6) is stored in a look-up table (4, 5). See col.4 lines 5-9.

9. In regard to claim 8, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that the look-up table (4, 5) also takes into account the effect of the ambient brightness. See col.6 lines 30-35.

10. In regard to claim 9, Edgar teaches a method of reproducing a gray scale image in colors, a device for reproducing a gray scale image in colors, which device includes a transformation unit (3) (display processor) which assigns a color value (x, y) and a brightness (Y) of the display to each shade of gray (2), characterized in that the transformation unit is arranged in such a manner that it is capable of carrying out the method as claim in claim 8. See col.3 lines 50-60.

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11. In regard to claim 10, Edgar teaches a method of reproducing a gray scale image in colors, characterized in that it includes a color monitor (6) for reproducing the gray scale image in colors, and that the transformation unit assigns the driving of the primary colors (R, G, B) of the color monitor to the shades of gray. See col.4 lines 5-9.

Response to Arguments

12. Applicant's arguments filed on 10/27/2003, have been fully considered but they are not persuasive.

Applicant argues that the prior art does not teach "the assignment of color values enables the human eye to differentiate between successive shades of gray". However, examiner respectfully disagrees with the argument because on col.9 lines 45-50, Edgar teaches a method of reproducing a gray scale image in colors having the visual read out of each of the points on the gray scale being displayed over the portion of the image, which shows the gray scale values including shades of gray being visible to the user. For these reasons, the rejections are maintained.

13. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **703-305-4196**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matthew Bella** can be reached on **703-308-6829**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

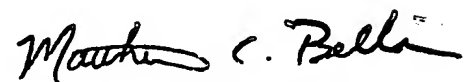
Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Tam Tran

Examiner

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MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600